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March 2, 2006

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By Electronic Case Filing

Chief Magistrate Judge Joan M. Azrack
United States Magistrate Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Jacobson v. QNCC Electrical Contracting Corp., The St. Paul Travelers
Companies, and Joseph E. Kashinsky, Case No. 05-CV-1213 (JG) (JMA)

Dear Magistrate Judge Azrack:

This firm represents plaintiff¹ in the above referenced matter. We write to request that the Court set a new briefing schedule and to allow the Joint Board to serve an amended motion to enforce the Stipulation of Settlement and Consent Order entered on the docket on April 14, 2005 (the "Stipulation"). This motion was referred to Your Honor by U.S. District Judge John Gleeson.

The Stipulation required the defendants to pay past due employee benefit contributions and submit timely payment of employee benefit contributions that accrued after the date of the Stipulation. Your Honor set a briefing schedule on the Joint Board's motion at a conference on August 23, 2005, which required plaintiff to serve its motion papers on September 30, 2005, the defendants to serve its opposition on October 14, 2005, and any reply papers were to be served by October 31, 2005. Plaintiff timely served its motion papers on September 30, 2005. At that time, over \$1.5 million dollars in contributions were outstanding.

¹ Effective January 1, 2006, Dr. Gerald Finkel succeeded Larry Jacobson as Chairman of the Joint Industry Board of the Electrical Industry (the "Joint Board").

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The defendants did not serve any responsive papers, but did submit payment of the then-outstanding contributions. Although there remained a dispute regarding the payment of interest and attorney's fees, in light of the substantial payment, plaintiff did not submit the motion to the Court for a decision and attempted to settle this matter between the parties.

However, after the defendants paid the contributions sought in the Joint Board's original motion papers, the defendants again failed to comply with the terms of the Stipulation by failing to pay over \$1 million in employee benefit contributions. Informal attempts by the Joint Board and its counsel to secure compliance with the Stipulation have failed to result in the payment of the amounts due under the Stipulation. Accordingly, the Joint Board respectfully requests that the Court schedule another pre-motion conference or set a new briefing schedule on an amended motion. The Joint Board can submit updated declarations and a memorandum of law by March 15, 2006.

We appreciate the Court's attention to this matter.

Respectfully submitted,

/s/ David R. Hock

David R. Hock (DH8599)

cc: Thomas Finegan, Esq. (by facsimile)
David C. Dreifuss, Esq. (by facsimile)

**MOVANT'S COUNSEL IS DIRECTED
TO SERVE A COPY OF THIS ORDER
ON ALL PARTIES UPON RECEIPT**

Amended motion schedule
- update decl. + memo of law by 3/15/06
- Def response by 4/14/06
- Reply of Pl. by 4/28/06
- All mot. papers to be submitted
to my chambers

**MOVANT'S COUNSEL IS DIRECTED
TO SERVE A COPY OF THIS ORDER
ON ALL PARTIES UPON RECEIPT**

s/Joan M. Azrack

- c 82mg

3/7/06